

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference
KNJ-04

Date of mailing
(day/month/year) **14 JAN 2005**

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/AU2004/001733

International filing date (day/month/year)
10 December 2004

Priority date (day/month/year)
13 January 2004

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ **E04H 12/00, 12/02, 12/04, 12/08, 12/12, 12/22, 12/32 E02D 27/42**

Applicant
POWER BEAM PTY LTD et al

17 JAN 2005

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Write the mailing address of the applicant

Authorized Officer

Print the name of the applicant

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WRITTEN OPINION OF THE
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International application No.

PCT/AU2004/001733

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest
 - ☐ not paid additional fees
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are two inventions::

Claim 1 is directed to a method of reinstating a pole by abutting an inner surface of a sleeve of a bridging beam against an outer surface of the pole wherein the special technical feature is considered to be "*securing the bridging beam to the pole by strapping surrounding the pole held in place with respect to the pole by the locating members*".

Claim 11 is directed to a bridging beam for reinstating a pole (but not limited to the method claimed in claim 1) wherein the special technical feature is considered to be "*an elongate longitudinally extending raised portion of the sleeve forming a channel shaped cavity, a brace shaped so as to generally fit snugly in the channel shaped cavity and securement means for removably securing the brace within the cavity*".

Since the abovementioned independent claims do not share either of the technical features identified, a "technical relationship" between the inventions as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept.

CONSEQUENTLY, THE OPINION HAS BEEN ESTABLISHED IN RESPECT OF THE FOLLOWING PARTS OF THE INTERNATIONAL APPLICATION:

WRITTEN OPINION OF THE
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International application No.

PCT/AU2004/001733

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-19	YES
	Claims None	NO
Inventive step (IS)	Claims 1-19	YES
	Claims None	NO
Industrial applicability (IA)	Claims 1-19	YES
	Claims None	NO

Citations and explanations:

Documents:

D1: WO 1988/003593A (ELTEK HOLDINGS PTY LTD), 19 May 1988

D2: WO 1984/004348A (R.F.D CONSULTANTS PTY LTD), 8 November 1984

D3: EP 178842B (SCOTT BADER COMPANY LTD.), 24 May 1989

D4: JP 09-287318A (KIRITA), 4 November 1997

2.1 Novelty (N) and Inventive Step(IS):

None of the documents cited in the International Search Report or any combination of them can be considered to anticipate the invention as defined in claims 1-19. The cited documents describe only the general state of the art, which is not considered to be of particular relevance to the invention.

Therefore, the claims are considered to meet the criteria of Novelty, Inventive Step

2.2 All the claims conform to the criteria of Industrial Applicability